

PREDECISIONAL DRAFT

Protocol Topic: Recovery and Cleanup

I. Introduction

This protocol addresses actions taken to recover and cleanup from an accident or incident involving shipments of DOE radioactive materials. This protocol is to be used in conjunction with related protocol areas. This protocol does not specifically address water or air modes.

II. Highway

Under 49 CFR 387.7, all carriers of radioactive material must have financial responsibility sufficient to cover the costs of environmental restoration, with a minimum level of \$1 million (\$5 million for highway route controlled quantities). Environmental restoration is defined as, *"restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measure taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife."*

In the event that the costs of environmental restoration exceed the carrier's financial responsibility, coverage would be provided by provisions of the Price-Anderson Amendments Act (PAAA), P.L. 100-408. The Price-Anderson Act requires DOE to include an indemnification for costs exceeding the carriers financial responsibility limits in each contract that involves the risk of a nuclear incident. The DOE indemnification covers any nuclear incident in the United States during transportation of any DOE nuclear material (up to a limit of \$9.43 billion). In addition, if there is an accident during transportation but no nuclear incident, the DOE indemnification would cover any precautionary evacuation that is ordered by an authorized state or local official.

A Non-Classified Shipments

1. Spent Fuel, High-Level Waste, Tritium-Bearing Reactor Components, and Transuranic Waste Shipments

DOE will ensure that carriers have specific written procedures for providing recovery and cleanup in the event of an accident or incident.

DOE will review carriers' plans to provide for recovery and cleanup as part of the Motor Carrier Evaluation Program (MCEP), as applicable.

For spent fuel shipments conducted subject to the Nuclear Waste Policy Act as Amended (NWPAA), DOE will require the carrier of spent nuclear fuel to comply with ANSI N14.27 ("For Truckload Quantities of Radioactive

Materials - Carrier and Shipper Responsibilities and Emergency Response Procedures for Highway Transportation Accidents”) regarding recovery and cleanup activities.

2. Low-Level and Mixed Low-Level Waste

DOE will review truckload carriers’ plans and insurance limits to provide for recovery and cleanup as part of the Motor Carrier Evaluation Program.

B Classified National Security Shipments

The Transportation Safeguard Division has contingencies in place that address recovery issues. These would be used to tailor a plan specific to the situation. DOE/TSD will provide the personnel and equipment needed to perform recovery and cleanup operations.

III. Rail

Spent Fuel, High-Level Waste, Tritium-Bearing Reactor Components, Transuranic Waste, Low-Level and Mixed Low-Level Waste Shipments

DOE will ensure that rail carriers have specific written procedures for providing recovery and cleanup in the event of an accident or incident. In the event that the costs of recovery and cleanup exceed the carrier’s financial responsibility, coverage would be provided by provisions of the Price Anderson Act.